

Remarks

A Request for Continued Examination (RCE) is filed concurrently herewith.

Claims 1-37 are all the claims pending in this application. Claims 34-38 are newly added. Selected claims are amended to clarify and more particularly indicate the claimed subject matter. The amendments are made for the purpose of expediting prosecution and are not made to overcome claim rejections. No claims are cancelled. No new subject matter is entered. Reconsideration and allowance of all of the rejected claims are respectfully requested in view of the foregoing remarks.

Claim Rejection under 35 U.S.C. § 103

Claim 1-33 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Mirabilis LTD, Quick Tour (“Quick Tour”), allegedly disclosed February 12, 1998, in view of ICQ Inc., ICQ Email Signature (“ICQ Email Signature”), allegedly disclosed May 2, 1999. Applicants respectfully traverse this rejection on the following basis.

Regarding independent claims 1, 8, 15, 22, 30-33, the Examiner relies on ICQ Email Signature to disclose the feature of presenting one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with one or more target network user. In the rejection, the Examiner alleges that ICQ Email Signature disclosed these features on May 2, 1999, based on an entry in an internet archive service (see the Final Office Action at page 2, paragraph number 4).

Applicants respectfully note that while it appears that the website, as a whole, may have been available as early as May 2, 1999, it does not necessarily follow that the content relied upon by the Examiner to support the rejection was disclosed as early as May 2, 1999. In the absence of any evidence illustrating the actual content that was disclosed on May 2, 1999, the Examiner has not met the burden of proof required to support the allegation that, on May 2, 1999, ICQ Email Signature disclosed the claimed features. In fact, this alleged date of disclosure may be unreliable because the actual date of publication of the ICQ Email Signature webpage is not particularly specified by the Wayback Machine website. A copy of a portion of the homepage of the Wayback Machine website (hereinafter “Wayback Machine”) is included herein as Appendix

A. Apparently, in accessing archived webpages stored at the Wayback Machine, a user specifies a website and then may select a date from a set of displayed dates to access a copy of the homepage of the specified website that was archived on the selected date (see Wayback Machine at the highlighted portion). While the user may browse other archived pages that have been linked to the homepage, the archive date is only represented by the Wayback Machine as being accurate for the homepage, and not for other archived pages linked thereto (see the Wayback Machine at the highlighted portion). In this case, the ICQ Email Signature webpage is a link off of the ICQ website. Therefore, the publication date relied upon by the Examiner for the ICQ Email Signature webpage is actually the publication date of an archived copy of the homepage of the ICQ website that happens to be linked to ICQ Email Signature within the Wayback Machine archive, and not necessarily the publication date of ICQ Email Signature that includes the features relied on by the Examiner to support the rejection.

Based on the lack of evidence surrounding the actual content that was disclosed on May 2, 1999, this rejection is improper. The lack of evidence surrounding the actual content that was disclosed on May 2, 1999 is especially prejudicial to Applicants as a result of the narrow window of time between the priority date of the instant application (June 2, 1999) and the alleged earliest possible publication date of ICQ Email Signature (May 2, 1999). In the absence of a more persuasive showing that content of the ICQ Email Signature relied on by the Examiner was in fact disclosed prior to the priority date of the subject application, the rejection must be withdrawn.

Claims 1-14

Claim 1 recites, among other things, communication selection means for providing a status indication of a plurality of communication modes associated with the one or more user indicators and enabling selection of at least one communication mode from the plurality of communication modes based on the status indication. Independent claim 8 includes similar subject matter, among other things. In an exemplary embodiment, a target user's status with respect to a plurality of communication modes may be presented to a network user via a plurality of icons (see the Specification at page 6, line 30-page 7, line 1). A communication mode may include email, chat, audiovisual call, application sharing, facsimile, or other communication modes (see the Specification at page 8, lines 22-24).

The Examiner asserts that Quick Tour suggests a plurality of communication modes at pages 6 and 7 (see the Office Action at page 5, lines 14-18). Even if this allegation is correct, the Examiner's reliance on this portion of Quick Tour as teaching indicating status information related to the plurality modes is improper because these pages do not include any discussion of displaying more than one status indication with respect to each user. In fact, Quick Tour apparently only determines and displays a online/offline status of a user that is related to the user's accessibility via an ICQ server (see Quick Tour at page 5).

ICQ Email Signature is not acknowledged to qualify as prior art. Nonetheless, ICQ Email Signature appears to suggest the inclusion of an ICQ status indicator that indicates a user's ICQ status in the signature block of an email. However, as with Quick Tour, ICQ Email Signature apparently includes only a discussion of an online/offline status of a single user. Therefore, Quick Tour and ICQ Email Signature, both alone and in combination fail to teach or suggest communication selection means for providing a status indication of **a plurality of communication modes** associated with the one or more user indicators and enabling selection of at least one communication mode from the plurality of communication modes based on the status indication.

Accordingly, the rejections of claims 1 and 8 must be withdrawn. Claims 2-7, and 9-14 depend from and add additional features to independent claims 1 and 8. Therefore, claims 2-7, and 9-14 are allowable, by virtue of their dependency, as well as for the features that they add to the independent claims.

Claims 15-33

Claim 15 recites, among other things, a user indicator presentation module that presents one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with one or more target network users, a status determination module that determines a status of a plurality of communication modes associated with the one or more user indicators, and a communication selection module that enables the network users to select at least one communication mode from a plurality of communication modes based on the status determination. Independent claims 22, and 30-33 include similar subject matter, among other things.

In an exemplary embodiment, a target user's status with respect to a plurality of communication modes may be presented to a network user via a plurality of icons (see the Specification at page 6, line 30-page 7, line 1). A communication mode may include email, chat, audiovisual call, application sharing, facsimile, or other communication modes (see the Specification at page 8, lines 22-24). The network user may select one of the plurality of icons to establish a communication via the communication mode that corresponds to the selected icon (see the Specification at page 7, lines 21-24).

The Examiner asserts that Quick Tour suggests a plurality of communication modes at pages 6 and 7 (see the Office Action at page 5, lines 14-18). The portion of Quick Tour apparently relied on by the Examiner includes a "pull-down" menu that includes the phrases ICQ Chat, Phone, and Internet Phone/Games, among others. The Examiner acknowledges that Quick Tour is deficient at least for failing to teach presenting one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications (see the Office Action at page 3, lines 18-21), and alleges that ICQ Email Signature cures this deficiency.

ICQ Email Signature is not acknowledged to qualify as prior art. Nonetheless, ICQ Email Signature appears to disclose a method of inserting an ICQ status indicator into the signature block of an email. The ICQ status indicator corresponds to a single communication mode (ICQ). However, ICQ Email Signature does not teach or suggest including a plurality of communication modes in the email message. Therefore, the combination of Quick Tour and ICQ Email Signature is deficient for failing to teach or suggest a user indicator presentation module that presents one or more user indicators within the two or more types of electronic documents, wherein the electronic document types are capable of being generated using two or more types of applications and wherein each user indicator is associated with one or more target network users, a status determination module that determines a status of a plurality of communication modes associated with the one or more user indicators, and a communication selection module that enables the network users to select at least one communication mode from a plurality of communication modes based on the status determination.

Accordingly, the rejections of claims 15, 22, and 30-33 must be withdrawn. Claims 16-21 and 23-29 depend from and add additional features to independent claims 15, 22, and 30-33.

Therefore, claims 16-21 and 23-29 are allowable, by virtue of their dependency, as well as for the features that they add to the independent claims.

Newly Added Claims

Claims 34-38 are newly added to further define the features disclosed in the originally filed application and are believed to be allowable over the cited art.

Newly added claims 34-37 depend from and add additional features to independent claims 1 and 8. Therefore, claims 34-37 are allowable over the cited references, by virtue of their dependency, as well as for the features that they add to the independent claims.

Newly added claim 38 recites, among other things, an identification determining module that references the user directory to access at least two user indicators that correspond to the at least two network users associated with the at least two user depictions included in the documents and a user indicator presentation module that presents the at least two user indicators within the documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications.

In an exemplary embodiment, an electronic document may include names of recipients and/or originators (see the Specification at page 12, lines 15-17). A user directory may be used to determine user indicators that correspond to users depicted in the document (see the Specification at page 11, lines 20-24). User indicators may be presented wherever users are depicted within two or more types of electronic documents that are capable of being generated using two or more types of applications (see the Specification at page 6, lines 20-24).

The Examiner acknowledges that Quick Tour does not teach features similar to this one (see the Final Office Action at page 3, line 21-page 4, line 3). ICQ Email Signature likewise does not suggest this feature because ICQ Email Signature requires a user to enter an ICQ# so that the user's status may be tracked by the status indicator included in the email signature block (see ICQ Email on the first printed page). Therefore, the cited references, both alone and in combination, fail to teach or suggest an identification determining module that references the user directory to access at least two user indicators that correspond to the at least two target network users associated with the at least two user depictions included in the documents, and a user indicator presentation module that presents the at least two user indicators within the

documents, wherein the user indicator presentation module is capable of presenting the at least two user indicators within the two or more types of electronic documents that are capable of being generated using the two or more types of applications. For at least this reason, claim 23 is allowable over the cited art.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: December 6, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sean L. Ingram', is written over a horizontal line.

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APPENDIX A



[Web](#) | [Moving Images](#) | [Texts](#) | [Audio](#) | [Software](#) | [Patron Info](#)



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About the Wayback Machine

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<http://archive.bibalex.org>, the Internet archive at the New Library of Alexandria, Egypt, mirrors the Wayback Machine. Try your search there when you have trouble connecting to the Wayback servers.

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National Archives

The UK Central Government Web Archive is a selective collection of UK Government websites, archived from August 2003, which has been collected by the Internet Archive on behalf of the National Archives of the United Kingdom. history.

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Election 2002

The Library of Congress has recently completed its election 2002 Web archive. The Election 2002 Web Archive is a selective collection of nearly 4,000 sites archived between July 1, 2002 and November 30, 2002.

The initial March 4th, 2003 release of the Election 2002 Web Archive includes web sites produced by congressional and gubernatorial candidates. Future releases may include party, interest group, press, government, civic, and other selective web sites related to the 2002 national and statewide elections. Additional materials will be made available as the collection is processed for long-term preservation.

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September 11th

The tragic events of September 11, 2001, prompted web creators